



U.S. House of Representatives Committee on the Judiciary

F. James Sensenbrenner, Jr., Chairman

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News Advisory

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PATRIOT Act Oversight Hearing Thursday on “Roving Wiretaps” and the “Library” Provision

What: Oversight Hearing on Sections 206 and 215 of the USA-PATRIOT Act
Who: Subcommittee on Crime, Terrorism, and Homeland Security – Rep.
Howard Coble (R-N.C.), Chairman
When: 9:30 a.m., Thursday, April 28, 2005
Where: 2141 Rayburn Building

Sections 206 and 215 of the PATRIOT Act are among the 16 provisions that will expire on December 31, 2005 unless Congress reauthorizes them.

BACKGROUND...

- ✓ **Section 206:** Allows for a wiretap to be issued by a judge to cover a person rather than a specific phone or electronic device (“roving wiretap”) for terrorists and spies under the Foreign Intelligence Surveillance Act (FISA). For many years, Federal judges have had the discretion to grant law enforcement the authority to use “roving wiretaps” to investigate ordinary crimes, including drug offenses and racketeering, under Federal criminal law.
- ✓ **Section 215:** For years prior to enactment of the USA PATRIOT Act, law enforcement could obtain records from all manner of businesses through grand jury issued subpoenas. This access included libraries and bookstores, for records relevant to criminal inquiries. This authority was used to investigate the Gianni Versace murder in Miami and the Zodiac killer investigation.
- ✓ Section 215 of the USA-PATRIOT Act creates similar authority, but with more stringent requirements. Section 215 authorizes the FISA court the discretion to issue an order for business records related to “international terrorism and clandestine intelligence activities.” **Attorney General Alberto Gonzalez testified on April 6, 2005 before the House Judiciary Committee that the FISA court has granted the Department’s request for a 215 order 35 times as of March 30, 2005 though not a single request involved library or book store records, medical records, or gun sale records.**

WITNESSES: The Honorable Kenneth L. Wainstein, U.S. Attorney for the District of Columbia; Mr. James Baker, Office for Intelligence Policy and Review, U.S. Justice Dept.; Mr. Robert Khuzami, Former Asst. U.S. Attorney, Southern District of New York; Mr. Gregory T. Nojeim, Associate Director/Chief Legislative Counsel, American Civil Liberties Union.

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